

IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C.No.874-75/2006

Dr. Mrs. Kusum Bakshi Ahlawat & Ors. Petitioners
! through: Mr. Jugal Wadhwa, Advocate

VERSUS

\$ State Respondent
^ through: Mr. M.N.Dudeja, Advocate

% **DATE OF DECISION:** 22-08-2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether judgment should be reported in Digest?

: **PRADEEP NANDRAJOG, J.**

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1. A short question arises for consideration. Whether, FIR in question can be registered at Delhi. The FIR is numbered 161/2002 which invokes Section 498A/406/34 IPC. It has been registered at PS Shalimar Bagh, Delhi.

2. Neelam Ahlawat the wife of Sanjay Ahlawat and the daughter in law of the petitioners has stated in her complaint that she was a permanent resident of Jaipur. That she got married to Sanjay Ahlawat on 25.2.2001 at Jind.

3. According to the petitioners no part of cause of action has accrued at Delhi for the reason the couple never resided at Delhi. That the petitioners never resided at Delhi.

3. Section 177 of the Code of Criminal Procedure reads as

under:-

“Ordinary place of inquiry and trial – Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.”

4. In the decision reported as 2007 (1) SCC (Cri) 336

Manish Ratan & Ors. Vs. State of M.P. & Anr., Hon'ble Supreme

Court has opined that in view of Section 177 of the Code of Criminal Procedure 1973 territorial jurisdiction would have to be considered with reference to the place where cause of action accrued.

5. One fact needs to be noted. The complainant is resided at Jaipur with her parents. In the FIR address at Delhi disclosed by her is the residence of her sister.

6. If the complainant resides in Jaipur and her marriage took place at Jind, her matrimonial house was in Jind and no offence was committed at Delhi, I see no reason why the FIR needs to be investigated at Delhi.

7. Learned counsel for the petitioner states that he has no objection if the FIR and record of investigation is directed to be transferred to Jind, the place where the marriage took place and the couple resided.

8. Since entire cause of action accrued at Jind, I dispose of the petition directing that FIR in question i.e. FIR No. 161/2002 P.S. Shalimar Bagh, Delhi and record of investigation be transferred to Jind. Needless to state, if challan has been presented by the police to a court at Delhi, the challan would be transmitted to the court of competent jurisdiction at Jind.

9. No costs.

August 22, 2007
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PRADEEP NANDRAJOG, J.